

Message Text

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ORIGIN EB-07

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DRAFTED BY EB/IFD/OIA:TRBRODERICK

APPROVED BY EB/IFD/OIA:ECONSTABLE

AF/E:ESHIPPY (SUBS)

L/AF:FWILLIS

AF/EPS:RDUNCAN

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FM SECSTATE WASHDC

TO AMEMBASSY NAIROBI IMMEDIATE

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STADIS//////////

E.O. 11652: N/A

TAGS: EINV, KE

SUBJECT: SAUL CLAIM

REF: (A) NAIROBI 1497, (B) STATE 275286 (NOV 20, 1975)

1. DEPARTMENT HAS ALREADY TAKEN STEPS TO PLACE SAUL CLAIM ON AGENDA OF FEBRUARY 20 MEETING OF CIEP INTERAGENCY COORDINATING GROUP ON EXPROPRIATION, AND TO DISTRIBUTE AGENDA TO OTHER INTERESTED WASHINGTON AGENCIES. IT WILL THEREFORE BE DIFFICULT TO AVOID CONSIDERING SAUL CLAIM AT THAT TIME.

2. IN VIEW, HOWEVER, OF RELATIVELY RECENT RENEWED APPROACHES TO GOK ON THIS ISSUE RESULTING IN AFFIRMATION OF HIGH-LEVEL GOK COMMITMENT TO RESOLVE CASE, AND IN ASSURANCES THAT OFFER WILL BE FORTHCOMING WITHIN THE NEXT FEW MONTHS, DEPARTMENT WILL URGE AT THE MEETING THAT THE LIMITED OFFICIAL USE

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GOK BE GIVEN THE ADDITIONAL TIME INDICATED REF A TO

COMPLETE ITS PROCESS OF VALUATION AND TO TRANSMIT OFFER
TO SAUL REPRESENTATIVES.

3. AT THE SAME TIME, ESPECIALLY IN VIEW OF EMBASSY
COMMENT REF A THAT GOK SIMPLY DOES NOT KNOW WHAT A FAIR
OFFER WOULD BE, DEPARTMENT COULD MORE COGENTLY SUPPORT ITS

POSITION THAT GOK IS PRESENTLY TAKING THE "STEPS"
REQUIRED BY SECTION 502(B)(4) OF THE TRADE ACT (AND OTHER
SIMILAR LEGISLATION CONCERNING BILATERAL AND MULTILATERAL
AID) IF IT APPEARED THAT SAUL'S NAIROBI REPRESENTATIVES
WERE INVOLVED IN DISCUSSIONS WITH APPROPRIATE GOK
OFFICIALS ON MODALITIES OF COMPENSATION, PARTICULARLY
CONCERNING PROCESS OF VALUATION AND THE TERMS OF REFERENCE
TO BE APPLIED IN DOING SO. THIS MIGHT ALSO ENHANCE THE
LIKELIHOOD OF AN OFFER MORE ACCEPTABLE TO SAUL AND MILLER.
UNLESS EMBASSY BELIEVES IT WOULD BE COUNTERPRODUCTIVE
TO DO SO, EMBASSY IS REQUESTED TO ATTEMPT TO FACILITATE
SUCH DISCUSSIONS, AND TO REPORT ANY DEVELOPMENTS ALONG
THIS LINE ASAP.

4. APPRECIATE EMBASSY'S REPEATED EFFORTS TO HELP RESOLVE
THIS EXTREMELY SENSITIVE CASE, AND WILL DO OUR BEST TO
PROVIDE NECESSARY SUPPORT AT THIS END. EMBASSY WILL BE
INFORMED OF RESULTS OF FEBRUARY 20 MEETING.
FYI. THIS CABLE IS STADIS ONLY BECAUSE IT CHARACTERIZES
POSITION DEPARTMENT INTENDS TO TAKE IN INTERAGENCY GROUP.
A NUMBER OF OTHER WASHINGTON AGENCIES ARE SUBSTANTIVELY
INTERESTED IN EXPROPRIATION MATTERS, AND DISTRIBUTION OF
NORMAL REPORTING OF DEVELOPMENTS BEARING UPON SAUL CASE
OR CONCERNING USG POSITION ON OUTSTANDING ISSUES SHOULD

NOT BE SO LIMITED, BUT SHOULD NOT BE REFER TO THIS
MESSAGE. END FYI. INGERSOLL

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